

# Exhibit “A”

## Plaintiff's Complaint

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**STEVEN M. BURRIS, ESQ.**

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**CASE NO: A-20-814375-C**

**Department 14**

*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JOSEPH CRISTELLI, an individual,

Plaintiff,

vs.

WALMART, INC.; and DOES 1 through

10, inclusive; and ROE ENTITIES

1 through 10, inclusive;

Defendants.

CASE NO.:

DEPT. NO.:

**COMPLAINT**

Plaintiff JOSEPH CRISTELLI, an individual, by and through his attorneys, STEVEN M. BURRIS, Esq. and ANDREW J. THOMAS, Esq., of the LAW OFFICES OF STEVEN M. BURRIS, and for his causes of action against Defendants, and each of them, complains and alleges as follows:

1. At all times relevant herein, Plaintiff JOSEPH CRISTELLI is and was a resident of the State of Illinois.

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1           2.       At all times relevant herein, Defendant WALMART, INC. is and was a corporation  
2 organized and existing under the laws of the State of Delaware.

3           3.       At all times relevant herein, Defendant WALMART, INC. is and was doing business  
4 in Clark County, Nevada.

5           4.       At all times relevant herein, Defendant WALMART, INC. is and was doing business  
6 as Walmart store #5070, located at or near 5200 S. Fort Apache Road in Las Vegas, Clark County,  
7 Nevada.

8  
9           5.       That the true names or capacities, whether individual, corporate, associate, or  
10 otherwise, of the Defendants named herein as DOES I through X inclusive, and ROE  
11 CORPORATIONS I through X, inclusive, are unknown to Plaintiff, and who therefore sues said  
12 Defendants by such fictitious names. Plaintiff is informed and believes and therefore alleges that  
13 each of the Defendants designated herein as DOE or ROE CORPORATIONS is legally responsible  
14 in some manner for the events and happenings herein referred to and caused damages proximately  
15 to Plaintiff as herein alleged, and Plaintiff will seek leave of the court to amend the Complaint to  
16 insert the true names and capacities of DOES I through X, inclusive, and ROE CORPORATIONS I  
17 through X, inclusive, when the same have been ascertained and to join such Defendants in this  
18 action.  
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21           6.       The incident alleged herein occurred on April 12, 2019.

22           7.       On or about April 12, 2019, Plaintiff JOSEPH CRISTELLI went to the aforesaid  
23 Walmart store #5070, located at or near 5200 S. Fort Apache Road in Las Vegas, Clark County,  
24 Nevada, as a customer and business invitee.

25           8.       At said time and place, Plaintiff JOSEPH CRISTELLI was in the parking lot of the  
26 aforesaid Walmart store.  
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1           9.     At said time and place, an employee of Defendant WALMART, INC. negligently  
2 caused shopping carts to strike and injure Plaintiff JOSEPH CRISTELLI.

3           10.    The negligence by Defendant WALMART, INC. and its employee includes but is  
4 not limited to: horseplay or otherwise inappropriate behavior by employees; lack of supervision of  
5 employees.

6           11.    The aforesaid negligent acts and / or omissions were committed by employees or  
7 agents of Defendant WALMART, INC., who were acting within the course and scope of such  
8 employment or agency relationships with Defendant WALMART, INC.

9           12.    At all times alleged herein, Defendant WALMART, INC. is and was vicariously  
10 liable under the legal doctrine of respondeat superior for the negligent actions and inactions of its  
11 employees and agents while acting within the course and scope of their employment or agency,  
12 including, but not limited to, the DOE and ROE Defendants.

13           13.    As a direct and proximate result of the aforesaid negligence by Defendant  
14 WALMART, INC., Plaintiff JOSEPH CRISTELLI has been caused to suffer serious bodily injury  
15 and great pain of mind and body, some or all of which may continue into the future and which may  
16 be permanent in nature, all to his general damage in an amount in excess of Fifteen Thousand  
17 Dollars (\$15,000.00).

18           14.    As a further direct and proximate result of the aforesaid negligence by Defendant  
19 WALMART, INC., Plaintiff JOSEPH CRISTELLI has been caused to incur medical bills and to  
20 expend sums of money for medical care and expenses incidental thereto, in an amount of at least  
21 Sixteen Thousand Four Hundred Thirty Dollars (\$16,430.00). This amount may not be complete or  
22 final. Plaintiff may request leave of the Court to amend his Complaint to up-date the amount of his  
23 medical bills and other special damages if additional medical bills or other special damages are  
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1 incurred and / or received.

2 15. The damages caused to Plaintiff as a result of Defendant's negligence are more than  
3 Fifteen Thousand Dollars (\$15,000.00) and less than Seventy-Five Thousand Dollars (\$75,000.00).

4 WHEREFORE, Plaintiff, expressly reserving his right to amend this Complaint at time of  
5 trial of action herein to include all items of damage not yet ascertained, demands judgment against  
6 Defendant as follows:  
7

8 1. For general and compensatory damages against Defendant in accordance with proof  
9 at trial, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00);

10 2. For special damages against Defendant in accordance with proof at trial, in the  
11 amount of at least Sixteen Thousand Four Hundred Thirty Dollars (\$16,430.00) ;  
12

13 3. For an award of reasonable attorney's fees;

14 4. For the costs of suit incurred herein;

15 5. For prejudgment and post-judgment interest at the maximum amount allowed by  
16 law; and,  
17

18 6. For such other and further relief as the Court deems just and proper.

19 DATED this 29<sup>th</sup> day of April 2020.  
20

21 LAW OFFICES OF STEVEN M. BURRIS

22 By: /s/ Andrew J. Thomas, Esq.  
23

24 Steven M. Burris, Esq.

25 Nevada State Bar No. 000603

26 ANDREW J. THOMAS, ESQ.

27 Nevada Bar No. 000017

28 2810 W. Charleston Boulevard, Suite F-58

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